



November 15, 1999

Ms. Katherine Minter Cary  
Assistant Attorney General  
Public Information Coordinator  
Office of the Attorney General  
P.O. Box 12548  
Austin, Texas 78711-2548

OR99-3251

Dear Ms. Cary:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128991.

The Child Support Division of the Office of the Attorney General received a request for a copy of an entire file. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.107 of the Government Code. We have considered the exceptions you claim and reviewed a representative sample of the information at issue.<sup>1</sup>

Section 552.101 of the Government Code excepts from disclosure information that is made confidential by law, including information made confidential by statute. Chapter 231 of the Family Code pertains to the administration of Title IV-D child support programs. Chapter 231 contains the following provisions:

Sec. 231.001. DESIGNATION OF TITLE IV-D AGENCY.

The office of the attorney general is designated as the state's Title IV-D agency.

Sec. 231.004. TITLE IV-D REGISTRY.

The Title IV-D agency shall establish a registry for Title IV-D cases that shall:

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<sup>1</sup>We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

- (1) receive child support payments;
- (2) maintain a record of child support paid and any arrearages owed under each order;
- (3) distribute child support payments received as required by law; and
- (4) maintain custody of official child support payment records.

...

Sec. 231.108. CONFIDENTIALITY OF RECORDS AND  
PRIVILEGED COMMUNICATIONS

- (a) Except as provided by Subsection (c), all files and records of services provided under this chapter, including information concerning a custodial parent, noncustodial parent, child, and an alleged or presumed father, are confidential.

The documents at issue are labeled exhibits B through G. These documents appear to be representative of records generated in rendering services under Title IV-D child support programs. Therefore, we conclude that these documents are confidential under section 231.108(a) of the Family Code and must be withheld from disclosure under section 552.101 of the Government Code.

Because we are able to resolve this matter under section 552.101, we do not address your section 552.107 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings  
Assistant Attorney General  
Open Records Division

KEH/ljp

Ref: ID# 128991

Encl. Submitted documents

cc: Mr. Clyde M. Lovelady  
4621 S. Cooper, #131 PMB129  
Arlington, Texas 76017  
(w/o enclosures)